

1 MEREDITH N. LANDY (S.B. #136489)
2 PETER T. SNOW (S.B. #222117)
3 O'MELVENY & MYERS LLP
4 2765 Sand Hill Road
5 Menlo Park, California 94025-7019
Telephone: (650) 473-2600
Facsimile: (650) 473-2601
Email: mlandy@omm.com
psnow@omm.com

6 Attorneys for Defendants Rackable Systems, Inc.,
7 Thomas K. Barton, Madhu Ranganathan and Todd
R. Ford

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

OAKLAND DIVISION

12 IN RE RACKABLE SYSTEMS, INC.) Case No. C-09-0222-CW
13 SECURITIES LITIGATION)
14 THIS DOCUMENT RELATES TO:) CLASS ACTION
15 ALL ACTIONS.)
) **STIPULATION AND ORDER
REGARDING SCHEDULING
MATTERS**
)

WHEREAS, on June 15, 2009, Lead Plaintiffs filed the Amended Complaint for Violations of the Federal Securities Laws (“Amended Complaint”);

WHEREAS, on August 4, 2009, the Court entered an order setting a briefing schedule for Defendants' motion to dismiss the Amended Complaint;

WHEREAS, Defendants filed their Motion to Dismiss the Amended Complaint for Violations of the Federal Securities Laws ("Motion to Dismiss") on August 13, 2009;

WHEREAS, Lead Plaintiffs filed their Opposition to Defendants' Motion to Dismiss on September 14, 2009;

WHEREAS, pursuant to a stipulation by the parties, the Court entered an order setting the deadline for Defendants' reply brief in support of the Motion to Dismiss to October 21, 2009 and the setting hearing on Defendants' Motion to Dismiss for November 19, 2009 at 2 p.m.;

WHEREAS, pursuant to stipulation by the parties, the Court entered an order extending the deadline for Defendants' reply brief to October 30, 2009;

WHEREAS, the parties have met and conferred regarding the briefing schedule for Defendants' reply brief in support of the Motion to Dismiss;

WHEREAS, the parties have agreed to a further extension of the deadline for Defendants' reply brief which does not require any change to the hearing on the Motion to Dismiss; and

NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully request that the Court enter an order, as follows:

1. Defendants shall file their reply brief at or before 3:00 P.M. Pacific Time on November 2, 2009.

IT IS SO STIPULATED.

O'MELVENY & MYERS LLP

Dated: November 2, 2009

By: _____ /s/
Meredith N. Landy

Attorneys for Defendants Rackable Systems, Inc., Thomas K. Barton, Madhu Ranganathan

1 and Todd R. Ford
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5 GLANCY BINKOW & GOLDBERG LLP
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7 Dated: November 2, 2009
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9 By: _____ /s/
10 Lionel Z. Glancy
11 Michael Goldberg
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13 Attorneys for Lead Plaintiffs
14

15 I, Meredith N. Landy, am the ECF User whose ID and password are being used to file this
16 Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General
17 Order 45, X.B., I hereby attest that Lionel Z. Glancy has concurred in this filing.
18

19 By: _____ /s/
20 Meredith N. Landy
21

22 **ORDER**
23

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.
25

26 DATED: _____, 2009
27 11/2
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30 The Honorable Claudia Wilken
31 United States District Judge
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